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LATE MR. N. R. K. TATACHARIAR

We are sorry to record the death of Mr N R K. Tatachariar, the founder and also the editor of The Madras Weekly Notes on the 28th February, 1946

Founded in 1910, the Madras Weekly Notes, under the able Editorship of Mr Tatachariar has been conducted all these thirty-five years and more on fairly well-defined and chalked out lines Being also its founder Mr Tatachariar has had no difficulty in shaping the policy of the journal as he pleased But, it must be said to his credit, that throughout, he has been actuated by a sincere desire to be of service to the legal public His attempts to place legal journalism on a class by itself are well known We dare say that The Madras Weekly Notes would, under the new Editorship of the sons of Mr Tatachariar, continue to render its useful service in the years to come.

SUMMARY OF ENGLISH CASES

YOUNG *v* BRISTOL AEROPLANE Co , LTD , (1946) 1 All E R 98 (H L).

Workmen's Compensation Act (1925), *section* 29 (1)—*Workman receiving compensation for injury—If can subsequently sue employer for damages for breach of a statutory duty—Exercise of option as to the alternative remedies—Effect*

On a construction of section 29 (1) of the Workmen's Compensation Act, *held*, (1) The statutory provisions for workmen's compensation are not to be understood as substituted for remedies against his employer previously available to the workman injured by the personal negligence or wilful act of the employer or of those for whom the employer is responsible One of the remedies so preserved is a right of action based upon breach of a statutory duty. [*See* 1941 A C. 1]. The previous remedies remain available as an alternative for the cases which they cover.

(2) But the two remedies are not to be pursued together For a workman to issue a writ for damages independently of the Act and also to ' claim ' compensation under the Act is forbidden The prohibition of double process applies to the initiation and carrying on of proceedings whether either or both of them will ultimately succeed or not It is presumably inserted for the protection of the employer so that he shall not be vexed with both demands concurrently The protection so given him could in proper cases be secured by stay or injunction.

(3) The option between the two kinds of proceedings is one given to the workman The employer cannot insist on being called upon to pay by one process rather than by the other. It is the workman who opts The option is not equivalent to equitable election. If "election" in the full sense were meant, it would be necessary for the workman to know all that was material to determine his choice.

The workman does not lose his alternative remedy merely because he accepts some payments under the Act, when the option is unknown to him But if the circumstances amount to this that he persists in taking weekly compensation after knowing of the alternative course, he is debarred from changing the nature of his claim. This view is confirmed by the exegetical character of the prohibition against double liability.

[Desirability of framing the provision in such a manner as to get rid of the doubts and difficulties pointed out.]

Re COMPTON, POWELL *v* COMPTON AND OTHERS, (1946) 1 All E R. 117 (Ch. D.).

Will—Gift for education of descendants of three named individuals—Void for perpetuity.

A provision in a will for the creation of a trust and spending of the income in scholarships for the children of three named families offends the rule against perpetuities and is therefore void. It cannot be said that the gift will be valid for a limited period (*e g* , 21 years) which the law could sanction in the absence of any provision in the will for the payment such as " so long as may be legally necessary or for so long as the law may permit "

BOOK REVIEWS.

TOWN IMPROVEMENTS TRUSTS IN INDIA, by Rai Sahib OM Prakash Aggarawala, M A , P C S , Lands Officer and Special Land Acquisition Collector, Delhi Improvement Trust Published by the Federal Law Book Depot, Delhi. 673 pages Price Rs 17-8-0.

As an attempt to elucidate the Law and Practice relating to a subject which now, more than ever, is looming large before the eyes of the urban public this book of Mr OM Prakash, being almost the first in a new field, is bound to be a well-deserved addition to the existing legal publications. After stating the problem in the opening chapter, the author has dealt with the existing Town Improvement Trusts of Bombay, Calcutta, U P , Lahore, Delhi and Nagpur The incorporation of the trusts, their constitution and the conduct of their business have been dealt with on a comparative reference to the respective enactments concerned The various types of improvement schemes, the procedure for framing them and the mode of their execution, have come in for a good analytical treatment The acquisition of land and compensation therefor, naturally find an important place in a book of this type At the end of the book we have some original suggestions of the author as to the planning for the future which deserve good consideration The usefulness of the book is considerably enhanced by the inclusion in the Appendix of the Acts of the different provinces in India in regard to Improvement Trusts Both the printing and get-up of the book are quite good.

FANTASTIC CASES, by Bansilal C Vakil, published by Padma Publications, Ltd., Bombay. 137 pages Price Rs 3-8-0.

The title of the book by itself is enough to attract both the lay and the legal public alike. " The whims and eccentricities of the Bench, Bar and Litigants " have supplied the author the material for the very interesting cases given in the book Apart from affording some amusement to the reader the " cases are set in the atmosphere of fantasticism to make the absurdity, anomaly or eccentricity all the more conspicuous and pointed". Who would not be attracted by such titles as " Is a Lawyer's office a shop," " Is the Lawyer a Machine," " Can a woman insult the modesty of a man " and " Who is a gentleman " It is to be hoped that while enlivening it may not tend to lower the reputation of the Bench and the Bar The book has a neat and attractive get-up.